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Attorneys for Plaintiff  
STATE FARM GENERAL INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

STATE FARM GENERAL INSURANCE  
COMPANY,

Plaintiff,

vs.

SUNBEAM PRODUCTS, INC.,  
Defendant.

Case No. CIV.S-04-2498 FCD DAD

**STIPULATION AND ORDER TO  
CONTINUE TRIAL DATE AND SET  
DATE FOR SETTLEMENT  
CONFERENCE**

**“AS MODIFIED”**

Trial: March 28, 2006  
Time: 9:00 a.m.  
Judge: Frank C. Damrell, Jr.

COMES NOW, the parties, Plaintiff State Farm General Insurance and Defendant Sunbeam Products, Inc., by and through their respective counsel of record, hereby stipulate and agree that good cause exists for the continuance of the trial date herein and to schedule a settlement conference date prior to the new trial date.

On February 24, 2006, counsel for Plaintiff, Darrel K. Yasutake sent an email message to Maureen A. Price, Courtroom Deputy Clerk to the Honorable Frank C. Damrell, Jr., with a copy to counsel for Defendant, David J. O’Connell, advising her that the parties had conferred and agreed to seek the scheduling of a settlement conference prior to the current trial date of March 28, 2006.

On March 2, 2006, Ms. Price advised counsel that due to the Court’s trial schedule, the trial in this action could not proceed as scheduled on March 28, 2006. Ms. Price requested that

1  
2 the parties provide the Court with this Stipulation and Proposed Order to reset the trial date and  
3 schedule a settlement conference date, along with dates the parties would be available for the  
4 trial and settlement conference.

5 Counsel for Plaintiff and Defendant have conferred on dates they are available for both  
6 the trial and settlement conference. These dates are as follows:

7 Available Trial Dates: Week of May 8, 2006.  
8 Week of May 15, 2006.  
9 Week of June 5, 2006.

10 Settlement Conference Dates: March 15 (afternoon only), 16, 21 (afternoon only),  
11 or 23; April 10, 11, 12 or 13.

12 The parties hereto request that the Court reset the trial date in this action and schedule a  
13 settlement conference date in accordance with the dates provided herein.

14 DATED: March 6, 2006

HUBERT & YASUTAKE  
A Professional Corporation

15 By: /s/ Darrel K. Yasutake  
16 Darrel K. Yasutake  
17 Attorneys for Plaintiff STATE FARM GENERAL  
18 INSURANCE COMPANY

19 DATED: March 6, 2006

WIEDER & McAULIFFE, LTD.

20 By: /s/ David J. O'Connell  
21 David J. O'Connell  
22 Attorneys for Defendant  
23 SUNBEAM PRODUCT, INC.  
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The stipulation as entered above is accepted except for paragraph 3 and is modified as follows:

On March 2, 2006, Ms. Price advised counsel that a settlement conference could not be set before the District Judge but could be set before the Magistrate Judge. Ms. Price also notified counsel that due to the Court's trial schedule, the trial in this action could not proceed as scheduled on March 28, 2006. Ms. Price requested that the parties provide the Court with a Stipulation and Proposed Order requesting a settlement conference and submitting proposed dates of counsel's availability for the settlement conference and a new trial date.

**IT IS SO ORDERED:**

1. The trial date in this action is reset to October 24, 2006 at 9:00 a.m.
2. A settlement conference is set for Thursday, March 23, 2006 at 10:00 a.m. in Courtroom 27 before the Magistrate Judge Dale A. Drozd. Pursuant to Local Rule 16-270 the parties shall submit, to the chambers of Magistrate Drozd, confidential settlement conference statements on or before March 16, 2006.
3. All dates related to the submission and exchange of trial documents as directed in the Pretrial Order filed January 30, 2006 shall be in accordance with the new trial date.

DATED: March 8, 2006

/s/ Frank C. Damrell Jr.  
FRANK C. DAMRELL, JR.  
United States District Judge